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VIA CERTIFIED MAIL

U.S. EPA, Region 4 (Southeast)
Attn: FOIA
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Re: Underground Storage Tanks

A MEMBER OF
 THE HARMONIE GROUP

Dear Sir or Madam:

FREEDOM OF INFORMATION ACT REQUEST

Pursuant to 5 U.S.C. § 552, the undersigned hereby requests permission to inspect, examine, and duplicate the following documents,¹ which are public records and are presently in your custody:

- **All documents evidencing determinations made by the Regional Administrator pursuant to 40 CFR 280.101 from 2010 to 2021, inclusive, regarding the equivalency of Florida's trust fund to the financial mechanisms specified in 40 CFR 280 Subpart H;**

¹ The term "document" includes, but is not limited to, the following (whether printed or reproduced by any process, including by hand) which are subject to your or your agency's custody or control, wherever located and whether or not claimed to be privileged: notes; correspondence; communications of any nature; telegrams; memoranda; notebooks; summary of records of personal conversations; diaries; calendars; routing slips or memoranda; reports; publications; photographs; minutes or records of meetings; transcripts or oral testimony or statements; reports and/or summaries of interviews; reports and/or summaries of investigations; agreements and contracts, including all modifications and/or revisions thereof; reports and/or summaries of negotiations; court papers; brochures; pamphlets; press releases; drafts of revisions of, or translations of any documents; tape recordings (audio or video); records and dictation belts; and documents stored on any electronic medium, including computer disks. Any document with any marks on any sheet or side thereof, including without limitation, initials, stamped indicia, any comment or any notation of any character not part of the original text, or any reproduction thereof, is to be considered a separate document for purposes of this request.

- **All documents evidencing determinations made by the Regional Administrator from 2010 to 2021, inclusive, as to whether Florida's storage tank trust fund (Inland Protection Trust Fund) is adequately funded, including, without limitation, availability of funds for taking corrective action and the timeline for cleanup;**
- **All documents filed pursuant to 40 CFR 280.101 (c) by the Florida Department of Environmental Protection with the Regional Administrator or Office of Underground Storage Tanks from 2010 to 2021, inclusive, describing the Inland Protection Trust Fund (IPTF) and, in particular, the funding and uses of the IPTF;**
- **All documents evidencing correspondence between the Florida Department of Environmental Protection and the Regional Administrator or Office of Underground Storage Tanks regarding sweeps of the Inland Protection Trust Fund or uses of Florida's tax on pollutants between 2010 and 2021, inclusive;**
- **All documents evidencing notifications provided by the Regional Administrator to the Florida Department of Environmental Protection from 2010 to 2021, inclusive, pursuant to 40 CFR 280.101(d);**
- **The memorandum of agreement or similar document that memorializes the relationship between EPA and the State of Florida with respect to underground storage tanks and which operates in lieu of state program approval;**
- **All documents from 1995 to the present evidencing the Regional Administrator's or Office of Underground Storage Tank's review of the condition of the Florida Inland Protection Trust Fund's ability to pay for past and existing claims; and**
- **Any guidance provided by the Regional Administrator or Office of Underground Storage Tanks regarding the commingling of state funds with general revenue.**

Your full and complete disclosure of the above documents is required under 5 U.S.C. § 552.

We request that the documents requested be copied within a reasonable time **and no later than March 2, 2021**. Please contact the undersigned and advise when the copying has been completed and let us know whether you require pre-payment.

If you assert that any of the documents requested herein are withheld on any claim of privilege, or otherwise, please set forth the following:

1. The basis of the privilege claimed;
2. The author of the document;
3. The date of the document;
4. The recipient or intended recipient of the document;
5. A brief description of the substance of the document; and,
6. All persons who received copies of the document or were shown copies of the document, along with an identification of each such person.

The undersigned will reimburse you for any reasonable duplicating costs you incur pursuant to 29 CFR § 1208.6.

Thank you for your cooperation and immediate attention to this matter.

Sincerely,



Robert D. Fingar, Esq.

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